

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,

Plaintiff,

v.

ALCATEL-LUCENT,

Defendant.

C.A. No. 07-90-SLR

**Demand for Jury Trial in  
Patent Infringement Case**

**AFFIDAVIT PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(l)  
OF PROOF OF SERVICE ON ALCATEL-LUCENT (FRANCE)**

STATE OF DELAWARE

)

)

SS.

NEW CASTLE COUNTY

)

Thomas L. Halkowski, being duly sworn, deposes and says that :

1. I am a principal with the firm of Fish & Richardson P.C. which represents plaintiff in the above-captioned action and am duly authorized to make this affidavit on it behalf and to represent the facts set forth herein.

2. On February 28, 2007, I requested that the Clerk of the Court perfect service, pursuant to Federal Rules of Procedure 4(h)(2) and 4(f), by Federal Express upon Alcatel-Lucent, a corporation of France at the address listed below:

ALCATEL-LUCENT  
54 rue la Boétie  
Paris 75008, France

That request is attached hereto as Exhibit A.

3. On March 1, 2007, the Deputy Clerk served Alcatel-Lucent, a corporation of

France, by Federal Express, proof of service requested. A copy of the Affidavit of the Clerk of the Court evidencing service of the Summons, Complaint and related papers by the Clerk of the Court is attached hereto as Exhibit B.

4. On March 5, 2007, the Summons, Complaint and related papers that were sent by the Clerk of the Court were received by Alcatel-Lucent, as evidenced by the Federal Express tracking report, attached hereto as Exhibit C.

Thomas L. Halkowski  
Thomas L. Halkowski (#4099)

SWORN TO AND SUBSCRIBED before me this 5<sup>th</sup> day of March, 2007.

Kim M. Kilby  
Notary Public

My Commission Expires: 11/18/08

80042637.doc

KIM M. KILBY  
NOTARY PUBLIC  
My commission expires:

# Exhibit A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,

Plaintiff,

v.

ALCATEL-LUCENT,

Defendant.

C.A. No. 07- 90

**Demand for Jury Trial in  
Patent Infringement Case**

**PLAINTIFF'S REQUEST TO THE CLERK TO PERFECT SERVICE**

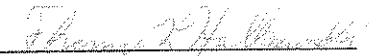
Pursuant to Federal Rules of Civil Procedure 4(h)(2) and 4(f), Microsoft Corporation, by their undersigned counsel, request that the Clerk of the Court perfect service by Federal Express on the following defendants at the address listed:

Alcatel-Lucent  
54 rue la Boétie  
Paris 75008, France

A completed Federal Express envelope is submitted herewith, along with a Summons, a copy of the Complaint and Patents identified.

FISH & RICHARDSON P.C.

By:

  
Thomas L. Halkowski (#4099)  
919 N. Market Street, Suite 1100  
PO Box 1114  
Wilmington, DE 19899-1114  
Telephone: (302) 652-5070

Dated: February 28, 2007

Attorneys for Plaintiff  
Microsoft Corporation

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MICROSOFT CORPORATION,

Plaintiff,

v.

ALCATEL-LUCENT,

Defendant.

C.A. No. 07- 90

**Demand for Jury Trial in  
Patent Infringement Case**

**AFFIDAVIT OF THOMAS L. HALKOWSKI  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 4(f)(2)(C)(ii)**

STATE OF DELAWARE

)

SS.

)

NEW CASTLE COUNTY

)

The undersigned, being duly sworn according to law, does hereby depose and say to the best of his knowledge and belief and based on his research of the law in these areas, that the country of France does not object to the sending of judicial documents by postal channels directly to persons in that country.

Thomas L. Halkowski  
Thomas L. Halkowski (#4099)

SWORN TO AND SUBSCRIBED before me this 28<sup>th</sup> day of February, 2007.

Kim M. Kilby  
Kim M. Kilby Notary Public

My Commission Expires: 11/18/08

# Exhibit B

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Microsoft Corporation,	)	
	)	
Plaintiff,	)	Civ. No. 07-090 UNA
	)	
v.	)	
	)	
Alcatel-Lucent,	)	
	)	
Defendants.	)	

A F F I D A V I T

I, Ronald Golden, being first duly sworn, deposed and say that pursuant to Rule 4 (f) (2) (C) (ii), of the Federal Rules of Civil Procedure, I did send on March 1, 2007 by FedEx Express to the following individual at his respective address:

Alcatel-Lucent  
54 rue la Boetie  
Paris 75008, France

a copy of the Complaint, a Notice of Availability of a Magistrate Judge to Exercise Jurisdiction, and a summons issued to Alcatel-Lucent, in the above styled case.

  
\_\_\_\_\_  
Ronald Golden  
Deputy Clerk

Sworn to and subscribed before me  
this 1st day of March, 2007.

  
\_\_\_\_\_  
Evette Watson  
Deputy Clerk

OFFICE OF THE CLERK  
**UNITED STATES DISTRICT COURT**  
DISTRICT OF DELAWARE

Peter T. Dalleo  
CLERK

LOCKBOX 18  
844 KING STREET  
U.S. COURTHOUSE  
WILMINGTON, DELAWARE 19801  
(302) 573-6170

March 1, 2007

Alcatel-Lucent  
54 rue la Boetie  
Paris 75008, France

RE: **Microsoft Corporation, v. Alcatel-Lucent.**  
Civ. No. 07-90 UNA

To Whom it May Concern:

Enclosed please find a copy of the Complaint, a Notice of Availability of a Magistrate Judge to Exercise Jurisdiction, and a summons issued to Alcatel-Lucent, in the above styled case.

This service is being made pursuant to Rule 4 (f) (2) (C) (ii), of the Federal Rules of Civil Procedure.

Please note that you have (20) days in which to answer the complaint. Your answer should be filed with this Court and served upon the Plaintiff's attorney:

Thomas L. Halkowski  
Fish & Richardson P.C.  
919 N. Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19899

Very truly yours,



Ronald Golden  
Deputy Clerk

Encls.

cc: Thomas L. Halkowski  
Fish & Richardson P.C.  
919 N. Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19899



Page 1 of 1

FedEx | Ship Manager | Label 7901 9109 5406

From: Origin ID: ZWIA (302) 778-8401  
 THOMAS L. HALKOWSKI  
 FISH & RICHARDSON P.C.  
 919 N. MARKET ST.  
 SUITE 1100  
 WILMINGTON, DE 19801  
 UNITED STATES



CLAS 03/03/2007

SHIP TO: 19085088080 BILL SENDER

ALCATEL-LUCENT  
 54 RUE LA BOETIE

PARIS, 75008  
 FR

Ship Date: 01MAR07  
 ActWgt: 1 LB  
 System#: 5348469/NET2600  
 Account#: S  
 REF: 10337/036LL1  
 DESC-1: Legal documents  
 DESC-2:  
 DESC-3:  
 DESC-4:  
 EEI: NO EEI 30.37(a)  
 COUNTRY MFG: US  
 CARRIAGE VALUE: 0.00 USD  
 CUSTOMS VALUE: USD  
 T/C: S 241157474  
 SIGN: THOMAS L. HALKOWSKI  
 EIN/VAT:

TotWgt: 1 LB

IP ENVELOPE

FORM 0430

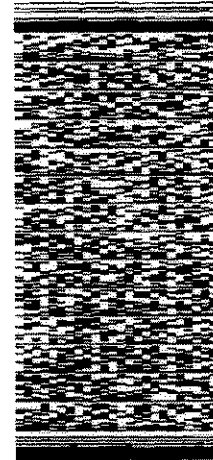
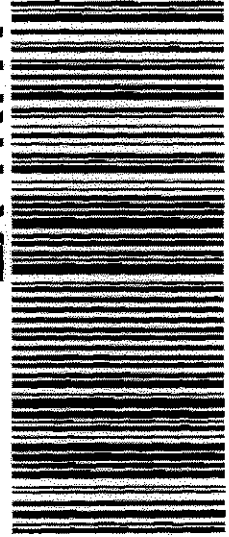
TRK# 7901 9109 5406

CDG A3

75008

-FR

ZX TNFA



These commodities, technology, or software were exported from the United States in accordance with the export administration regulations. Unlawful export to United States law prohibited.

The Warsaw Convention may apply and in most cases limit the liability of Federal Express for loss or damage to your shipment. Subject to the conditions of the contract.

CONSIGNEE COPY - PLEASE PLACE IN POUCH

Insert  
 airbill  
 here

# Exhibit C



FedEx Express  
Customer Support Trace  
3875 Airways Boulevard  
Module H, 4th Floor  
Memphis, TN 38116

U.S. Mail: PO Box 727  
Memphis, TN 38194-4643  
Telephone: 901-369-3600

March 5, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **790191095406**.

---

**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivery location:</b>	16 BAUME PARIS 75008
<b>Signed for by:</b>	.LEFEVRE	<b>Delivery date:</b>	Mar 5, 2007 09:46
<b>Service type:</b>	Priority Envelope		

**NO SIGNATURE IS AVAILABLE**

FedEx Express Proof of delivery details appear below, however no signature is currently available for this FedEx Express shipment. Availability of signature images may take up to 5 days after delivery date.

---

**Shipping Information:**

<b>Tracking number:</b>	790191095406	<b>Ship date:</b>	Mar 1, 2007
		<b>Weight:</b>	1.2 lbs.

**Recipient:**  
ALCATEL-LUCENT  
54 RUE LA BOETIE  
PARIS 75008 FR

**Shipper:**  
THOMAS L. HALKOWSKI  
FISH & RICHARDSON P.C.  
919 N. MARKET ST.  
SUITE 1100  
WILMINGTON, DE 19801 US  
10337/036LL1

**Reference**

Thank you for choosing FedEx Express.

FedEx Worldwide Customer Service  
1.800.GoFedEx 1.800.463.3339